

App. Serial No 10/539,280
Docket No.: BE020045US

Remarks

Claims 1-10 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The instant Office Action dated June 8, 2007 indicated an objection to claim 1 and listed the following rejections: claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; claims 1-10 stand rejected under 35 U.S.C. § 103(a) over Gutsche *et al.* (U.S. Patent No. 6,033,977) in view of Mcagley *et al.* (U.S. Patent Pub. No. 2005/0042874).

Regarding the objection to claim 1 based upon the use of a comma after the word comprising in line 2, the word comprising is no longer present in line 2 of claim 1. Applicant notes that the word comprising in line 7 is followed by a colon as suggested by the Office Action. Thus, Applicant requests that the objection to claim 1 be removed.

Regarding the Section 112(2) rejection of claim 1 based upon the phrase "viewed in projection", this phrase no longer present in claim 1. As such, Applicant requests that the Section 112(2) rejection of claim 1 be withdrawn.

Applicant respectfully submits that the Section 103(a) rejection of claims 1-10 cannot stand because the cited portions of the Gutsche and Mcagley references fail to correspond to the claimed invention. Regarding claim 1, the cited portions of the references do not correspond, for example, to removing the first material in the dielectric region prior to etching the dielectric layer to form a strip-shaped recess. The Office Action cites to Gutsche's stud 12 and IMD layer 5 as allegedly corresponding to the dielectric region and the dielectric layer respectively of the claimed invention. *See, e.g.*, Figure 3. However, the cited portions of Gutsche teach that IMD layer 5 is patterned to create conductive line openings 9, after which each stud 12 is selectively removed to create via openings 11. *See, e.g.*, Figures 4-5 and Col. 4:52 to Col. 5:1. Thus the cited portions of Gutsche do not teach that the material in the dielectric region is removed and then the strip-shaped recess is formed in the dielectric layer as in the claimed invention. Accordingly, Applicant requests that the Section 103(a) rejection of claim 1, as well as the rejection of claims 2-10 that depend from claim 1, be withdrawn.

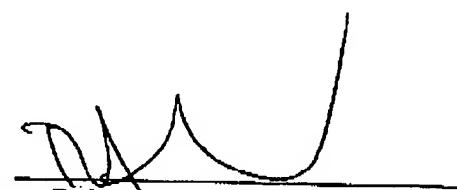
App. Serial No 10/539,280
Docket No.: BE020045US

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 65913

By: 

Name: Robert X. Crawford
Reg. No.: 32,122
651-686-6633 x2300
(NXPS.274PA)